

STEAMER TABLE.

From San Francisco:	Aug. 2
Mongolia	Aug. 3
Sonoma	Aug. 3
For San Francisco:	
Doric	July 31
Ventura	Aug. 2
From Vancouver:	July 30
Aorangi	Aug. 2
For Vancouver:	
Manuka	Aug. 24

3:30 O'CLOCK

WHEN IN DOUBT TRY A

EVENING BULLETIN

BULLETIN AD.

EDITION

The merchant who doesn't advertise is dead to the world —but he remains unburied.

VOL. XVI. No. 2832

HONOLULU, TERRITORY OF HAWAII, TUESDAY, AUGUST 2, 1904.

PRICE 5 CENTS

CHARLES DESKY'S CASE DISCHARGED

No False Representation Proved Made By Defendant.

DRIER DID NOT ASK CONCERNING MORTGAGE

DESKY IS DISMISSED UPON PRELIMINARY MOTION—NO EVIDENCE PRODUCED BY DEFENSE.

The case of Chas. S. Desky, charged with gross cheat, came up in the Police Court this morning. The High Sheriff read the charge alleging that on January 30 Desky sold to August Dreier a steam condenser which was in the Pacific Heights railway power house for the sum of \$650. Desky at the time alleged that the steam condenser was free from all encumbrance while, as a matter of fact, it was subject to a mortgage to W. O. Smith.

Attorney Milverton represented the defendant. A plea of not guilty was entered. August Dreier was the first witness for the prosecution. He stated that in August he had negotiated with Desky for the condenser. Desky wanted \$650 but Dreier said it was too much. In January the negotiations were opened again, ending in Dreier's purchasing the machine for \$650. Desky never said anything to Dreier regarding any mortgage on the machine. Dreier would not say whether he asked Desky about this matter or not.

Mr. Dreier started to bring up the fact that he had once bought some lots in Kewalo from Desky but this evidence was stricken out on motion by Milverton.

Dreier was asked whether he had looked up the records to ascertain whether the machine was subject to a mortgage or not.

"No," said Dreier. "If I buy a pair of shoes in a shoe store I don't enquire whether the shoes belong to the storekeeper or not. Desky was running that concern. I thought the machine belonged to him."

The High Sheriff was not able to elicit any information on the point that Desky had represented that the condenser was unencumbered from Mr. Dreier.

"Why, did you swear out the warrant against Mr. Desky, Mr. Dreier?" he finally asked.

"I object," said Milverton.

"Well, I would really like to know," said the High Sheriff. "It seems that

"I'm up a tree." The Court overruled the objection. "Why," said Dreier, "I thought that Mr. Desky had swindled me. He sold me the machine when he had no right to do so."

"Did Mr. Desky ever deny to you that there was a mortgage on the condenser?" asked the High Sheriff.

"No," said Mr. Dreier, "I never asked him about it."

"Why didn't you?"

"Oh, I don't want to pry into other people's business," said Dreier.

F. E. Richardson was the next witness. He was shown the check which Dreier gave Desky for the purchase amount for the condenser, and also the bill of sale. He identified both. The transaction took place in his office. Desky gave the bill of sale to Richardson. Richardson gave it to Dreier, who in turn gave the check to Richardson, who a few hours later turned it over to Desky. Richardson insisted that Desky give a clean bill of sale but did not suggest any form. Desky said that the mortgage on the railroad had nothing to do with the mortgage on the real estate.

Milverton asked if Mr. Desky had not offered to make a special agreement to release the property from the operation of the mortgage. This was denied by Richardson.

The case of the prosecution was closed upon the testimony of Richardson and Dreier.

Milverton made a preliminary motion for the discharge of the defendant and began to argue on the matter.

"You need not give any reasons, Mr. Milverton," interrupted the Court.

"This is just a preliminary motion. I discharge the defendant."

"Did you say discharge, Your Honor?" asked the High Sheriff in a surprised tone but with a smile.

"Certainly," replied Judge Lindsay.

"There is absolutely no proof of false representation. Even if all the facts above were admitted there would be no proof of false representation such as is necessary to make the case against Mr. Desky."

RANCHER SPARKS LOOKS OVER HAWAII RANCHES

[Special to The Bulletin.]

South Kohala, Hawaii, Aug. 2.—B. H. Sparks, son of Governor Sparks of Nevada, a large owner of stock in Texas and Nevada, has been visiting Manager Carter on the Parker ranch.

Mr. Sparks lives at Reno, Nevada, where his father, the Governor, has the Alamo ranch. On this ranch is the famous herd of cattle known as Herefords Governor Sparks Herefords have never been beaten in the show ring.

Pity may be akin to love, but it depends altogether on what excites the pity.

"For Sale" cards at Bulletin office.

TERRITORY LOSES TO HAY'S FIRM

Pacific Hardware And Steel Co. Within Its Rights.

DOES BUSINESS UNDER INTERSTATE COMMERCE

HANDLING NO GOODS HERE, JUDGE GEAR HOLDS FOREIGN CORPORATION CAN CONTINUE.

Judge Gear this morning rendered a decision in the Territory's test case against the Pacific Hardware & Steel Company, finding for the respondent corporation.

Says the opinion, in part: This is a bill in equity, brought by the Territory ex rel its Attorney General, against the Pacific Hardware & Steel Co., a foreign corporation, and T. A. Hays, its representative and employee, to restrain them from carrying on business within the Territory.

The complaint alleges that the corporation is not engaged in "the business of foreign interstate commerce," nor is it an employee of the U. S. Government, but that nevertheless it has failed to comply with the requirements of the statute relating to foreign corporations, and therefore the complainant asks that it and its agent be enjoined from carrying on business in the Territory.

The answers of the respondents admit that the corporation is a foreign corporation, but alleges that all the business done in the Territory "is done as a part of the foreign or interstate commerce of the U. S. A.; that the business is and has been an order business."

It is alleged that the office is maintained for the purpose of showing samples and receiving orders by Respondent Hays as an employee and not as an officer of the corporation, and only for his personal use and not for the use of any officer or stockholder of the corporation.

The evidence shows that for about two years last past respondent Hays has acted as an employee of the respondent corporation, acted as their representative. The corporation carries no stock of goods in this Territory. Hays receives a salary for his services and is allowed a certain sum for expenses.

The broad question in the case is whether or not the corporation falls within the category of foreign corporations required by Act 38 of 1903, to comply with the provisions of said act.

Counsel for the Government contends that the defendant corporation having opened an office here, has acquired a domicile here and that having failed to comply with the statute it should be enjoined from doing business in the Territory.

After an exhaustive review of the authorities I have found no case which holds that a foreign corporation doing a business of strictly commerce, interstate or foreign, has been held to be subject to the Legislative control of a State or Territory.

Of course, if the foreign corporation not only opens an office in the State or Territory where it seeks to do business, but carries a stock of goods in such State or Territory, then it becomes subject to Legislative control, for it is then doing a purely local business as distinguished from interstate or foreign business. But no case can be found that I know of in which there has not been a local business carried on with goods actually in such State where the courts have held that the foreign corporation could be controlled by the Legislature.

It appearing that the defendant corporation carries no stock of goods here, but fills all its orders by shipment from California direct to the customers here, and that it is engaged in a business of strict commerce, it follows that it falls within the exception in the statute as a "corporation engaged in the business of foreign or interstate commerce," and cannot be enjoined from carrying on business in this Territory. The respondents are therefore entitled to judgment and it will be so ordered.

Deputy Attorney General E. C. Peters for the Territory, Castle & Withington and Holmes & Stanley for respondents.

S. S. VENTURA, Aug. 2

Will carry away the next lot of Wahila Choice Pineapples at low rates.

Leave orders with F. C. FNOs, agent,

Wells Fargo & Co.

Tax Appeal Board Has Difficult Problems To Solve

Tax Assessor Holt figures total year's record. He attributes this decrease and assessments, which far exceed returns, by the way, for the year just closed, as follows:

REAL ESTATE.
Returned \$254,968,000 00
Assessed \$383,085,000 00

PERSONAL.
Returned \$ 5,254,287 11
Assessed \$ 8,629,007 85

The total amount in appeal from assessments is \$3,132,270.54.

Should the Tax Department, therefore, win every case on appeal, the Territory will be the gainer by over \$31,000.

As to the income tax: The amount collected therefrom for the year ending December 31, 1903, was \$160,964.20.

Tax Assessor Holt states that this year the revenue from income is likely to fall forty per cent. below last year's record. He attributes this decrease, estimated roughly from the returns just completed, to the falling off in rentals and the lowering of salaries in almost all branches of business, a decrease of salaries which affects the manager of the corporation as well as the humble office boy.

"If sugar had advanced early in the year," says Mr. Holt, "we would have the benefit of larger incomes for this year's returns. As it is, Hawaii has not yet received returns for the bulk of the sugar shipped East last year, so we have not this big item to include in this year's income. Next year we will reap the benefit."

Two very important questions confront the Tax Appeal Board and at least one is likely to go to the Supreme Court. This is in the matter of "agency contracts."

(Continued on Page 4.)

POINTS FOR PARKER IN BIG RANCH FIGHT

Judge Gear devoted this morning to the hearing of numerous motions in the Parker ranch controversy. Motion by attorneys for A. W. Carter, guardian of Annie T. K. Parker, minor, whom J. S. Low as "next friend" of the minor seeks to have removed, seeking to avoid proceedings on the ground that proper service was not made, was overruled.

The Court stated, concerning petition of Elizabeth Knight, mother of the minor, by her attorney, J. J. Dunne, asking stay of all proceedings pending an investigation of the status of the alleged "next friend," J. S. Low, that he could not at the present time consider the matter. This petition alleged conspiracy on the part of Samuel Parker, E. P. Low, F. Wunderberg, J. A. Magoon and J. Lightfoot to secure the minor's real estate interests for their own ends, which are said to be associated with the Hamakua Ditch Co.

Judge Gear granted J. S. Low's petition for a restraining order to prevent A. W. Carter from further proceedings in the Kailua court, holding that Carter, as an officer of the Honolulu court, could be thus restrained.

Yesterday the Knight interests had their innings with the sensational charges against Samuel Parker and his associates; today the Samuel Parker interests scored, rulings on all motions resulting to their temporary benefit.

It is said that an affidavit will be filed in a day or two, answering the grave charges made against Parker et al and perhaps containing equally interesting charges.

THE HOPKINS FUNERAL

The body of John Bevan Hopkins, at one time purveyor of the Queen's hospital, was buried at Pearl City Cemetery on Saturday, July 30th. The funeral cortege left his late residence on Vineyard street and proceeded to the Cathedral, where a solemn requiem mass was intoned. The Rev. Father Mathias officiating, the De Profundis greeted the mourners as the casket was borne into the Cathedral. Solos were sung during the service by Rev. Father Valentin and Mrs. Alapai. Thence the

Read "Wants" on page 6.

SIBERIA HAS STARTED

Hackfeld & Co. this afternoon received a cablegram from Yokohama stating that the Pacific Mail steamship Siberia left that port for Honolulu this morning with 1500 tons of freight for local consignees. She will have accommodations for between 75 and 80 cabin passengers.

Here is another chance to exchange your money for better value.

A new line of

Fiber Panamas

In all shapes and sizes, for 75c

Just the thing to keep your head cool.

Levingston & Co.,

Young Bldg. 1071 Bishop Street

Often a Case

Of "locking the stable door after the horse is stolen" with people who have valuable papers, jewelry, silverware, etc.

When not in use these articles should be kept in a place of security.

One of our safe deposit boxes costs only \$5 a year or \$50 a month.

HAWAIIAN TRUST CO. Limited, FORT ST.

S. S. VENTURA, Aug. 2

Will carry away the next lot of Wahila Choice Pineapples at low rates.

Leave orders with F. C. FNOs, agent, Wells Fargo & Co.

FRENCH COAL FOR RUSSIA

[Associated Press Special Cable.]
CHERBOURG, France, August 2.—Six Russian cruisers are expected here, where they will be supplied with coal.

Japanese Take Important Fort At Port Arthur

TOKIO, Japan, August 2.—The Japanese forces have captured Shanhai-kow, one of the important points in the defenses of Port Arthur.

Russians Defeated At Kuroki's Hands

TOKIO, Japan, August 2.—General Kuroki has defeated the Russians at Yushikoku, Yangse pass.

RETURNED RAIDERS TELL OF EXPLOITS.

VLADIVOSTOK, Siberia, August 2.—The returning Russian squadron reports the sinking of the German steamer during its raid along the Japan coast. The officers of the squadron state that the steamer Knight Commander was sunk because the vessel did not have sufficient coal to carry her to port.

RUSSIANS ADMIT DEFEAT.

ST. PETERSBURG, Russia, August 2.—The Japanese have occupied Ikhavuen, Yangse pass.

MRS. MILLS DEAD.

WEST POINT, N. Y., August 2.—Mrs. Miles, wife of General Miles, died today.

FOUR CENT. SUGAR.

SAN FRANCISCO, Cal., August 1.—SUGAR: 96 degree Centrifugals, 4c. Previous quotation, 3.9375c.

Robbed Japanese. Report To Police

Two robberies were reported at the Police Station this morning. A Japanese living on the corner of King and Liliha street was last night robbed of a suit of clothes, a pair of trousers, a gold watch and chain and 50 cents in coin.

The door was broken in, through which the thief made his entrance. The police are certain who the culprit is and expect to apprehend him tonight. He is a Porto Rican.

A Japanese woman living on Emma street was last night robbed of three silk kimonoes, three abes and one gold scarf pin. Detective McDuffie has found two young Hawaiians whom he suspects of being the guilty parties.

NEW MARKETS CLEAN

A business man, not interested in the fish trade, of lower King street, reports the impurity in the morning paper that the Territorial market on Alapai street is more cleanly as to interior and surroundings than those on Kekaulike street. He states that the private markets are kept up to a very high standard of cleanliness and service. Furthermore these markets are very convenient for the larger part of the fish-purchasing population. If there is a coal dust at Kekaulike there is double the amount at the Alakea market.

Some people seem to think that politeness consists of eternally begging your pardon.

Fine Job Printing at the Bulletin

Summer Styles In Ladies' Shoes

Patent and shiny leathers will be popular always. Some seasons ago shoes had a narrow toe. It was pretty but it pinched. Very reluctantly woman gave it up. This season shoe-makers have obtained the effect with comfort.

you will see it in these new shapes of Laird, Schober & Co.'s footwear:

Patent lace boots with full Louis heel \$7
Glazed kid boot with low military heel \$6
Patent dress oxfords, full Louis heel \$5
Ideal kid oxfords, high Cuban heel \$5

There are several other new styles in the lot and the whole effect is a matter of charming lines, full of comfort.

MANUFACTURERS' SHOE COMPANY, LTD., 1051 Fort Street.

1071 Bishop Street



Alfred Benjamin & Co. MAKERS
Correct Clothes for Men

Here's a Summer Suit we're proud to sell you; and one you'll be proud to buy. Identify it by this famous name on the coat-hanger or inside coat-pocket. Enough said.

\$16.00 to \$24.00.

The Kash Co., Ltd.